

REMARKS

Claims 1-40 are currently pending. No claims have been amended. Claims 1-12 and 26-39 have been withdrawn as directed to non-elected subject matter. Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

Rejection of the claims under 35 U.S.C. §102(e) or §103(a)

Reconsideration is requested of the rejection of claims 13-25 and 40 under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Azad, et al. (WO 03/043670).

The present application was filed on July 31, 2001. Azad, et al. is a published PCT application filed November 15, 2002 and claiming priority to U.S. Provisional Application No. 60/331,727 filed November 21, 2001. Azad, et al. therefore is art only under 35 U.S.C. §102(e) and has an effective filing date of November 21, 2001 (the filing date of the '727 provisional application).

The enclosed Declaration by the inventors under 37 C.F.R. §1.131 establishes that they invented the subject matter of claim 13 before November 21, 2001, the effective filing date of Azad, et al. In particular, as stated in the Declaration and supported by the accompanying documentation, the applicants conceived of the subject matter of the present invention before at least November 21, 2001, and diligently reduced the invention to practice upon filing of the present application on July 31, 2003.

Accordingly, Azad, et al. is submitted as not being a reference under 35 U.S.C. §102(e) and 35 U.S.C. §103 against the present application.

Applicants therefore request that the rejection of claim

13 and claims 14-25 and 40, which depend from claim 13, in view of Azad, et al. be withdrawn.

CONCLUSION

In view of the foregoing, favorable consideration and allowance of claims 13-25 and 40 is respectfully requested.

Respectfully submitted,



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